

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CRAIG SCOTT,

Petitioner

V.

**U.S. ATTORNEY GENERAL
ERIC HOLDER, *et al.*,**

Respondents

• • • • •

CIVIL NO. 1:11-CV-0757

(Judge Rambo)

(Magistrate Judge Carlson)

MEMORANDUM

Before the court is Petitioner Craig Scott’s motion to vacate a sentence pursuant to Federal Rule of Civil Procedure 60(b)(5) (doc. 50). Scott seeks to vacate his prior sentence on the basis that “the United States Department of Justice has recently dropped its opposition to releasing federal prisoners who are legally innocent.” (Doc. 50 at p. 1.) Scott initially filed a motion for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, alleging that the Bureau of Prisons improperly computed his sentence. He did not contest the legality of his conviction or his innocence of that conviction.

Scott attaches to his motion an article that related to an overturned conviction for felon in possession of a firearm. The cases referred to are *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011), and *McCullum v. United States*, 2012 U.S. Dist. LEXIS 114902 (E.D.N.C.). In these cases, the defendants' convictions for felon in possession of a firearm under 18 U.S.C. § 922(g) were

overturned. The basis for the rulings was that, under North Carolina law, these defendants did not meet the criteria of being a felon.

This court fails to see how these cases are applicable to Scott. The motion will be dismissed. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: September 6, 2012.

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ORDER

For the reasons set forth in the accompanying memorandum, **IT IS
HEREBY ORDERED THAT** the motion filed pursuant to Federal Rule of Civil
Procedure 60(b)(5) (doc. 50) is dismissed.

s/Sylvia H. Rambo
United States District Judge

Dated: September 6, 2012.